

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV 1773

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T.M.E. DISTRIBUTIE B.V.,

11 Civ.

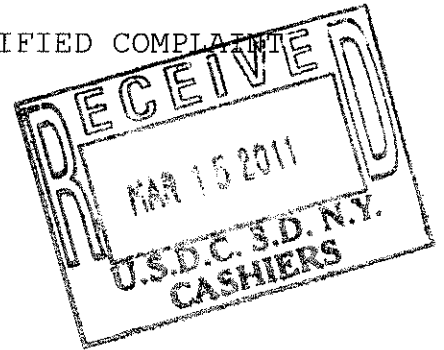
Plaintiff,

VERIFIED COMPLAINT

-against-

SEA SHIPPING LINE, INC. a/k/a
SSL and RAILHEAD C.F.S., INC.
a/k/a R & S LOGISTICS,

Defendants.



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Plaintiff, T.M.E. DISTRIBUTIE B.V. ("TME"), by and through its attorneys, MAHONEY & KEANE, LLP, as and for its Complaint against defendants SEA SHIPPING LINE, INC. ("SSL") a/k/a SSL and RAILHEAD C.F.S., INC. ("RAILHEAD") a/k/a R & S LOGISTICS, alleges upon information and belief as follows:

FIRST: This is a claim under the Court's Admiralty and Maritime jurisdiction with respect to a through bill of lading including the carriage of goods by water, and under the Court's diversity and pendent jurisdiction with respect to the remaining aspects of the claim.

SECOND: Venue is properly placed in this Court by virtue of the forum-selection agreement contained in the subject bill of lading contract.

THIRD: TME is an entity duly formed and existing pursuant to the laws of a foreign country with a place of business located at Reling 47, 2993 DN Barendrecht, Netherlands.

FOURTH: SSL is a foreign corporation with a place of business located at 114 Maple Avenue, Red Bank, New Jersey.

FIFTH: RAILHEAD is a foreign corporation with a place of business located at 69 Lefant Lane, Bayonne, New Jersey.

SIXTH: TME is the owner or duly authorized representative of the owners or underwriters or subrogated underwriters of a cargo of perfume products in Container No. PONU 816831/5 shipped from South Plainfield, New Jersey to Rotterdam, Netherlands pursuant to SSL's Bill of Lading terms.

SEVENTH: Defendants were non-vessel-owning common carriers, truckers, vessel owners, suppliers, sellers, shippers, inspectors, managers, operators, charterers, freight forwarders, stevedores, terminal operators, common carriers by water and by land and bailees for hire with respect to the aforesaid cargo, which was sold, shipped, inspected, carried, kept, discharged and delivered from the captioned vessel, inland conveyances, terminals and/or warehouses by defendants.

EIGHTH: The aforesaid cargo was pilfered, lost, and damaged by defendants due to the fault, neglect, deviation, unseaworthiness, maritime tort, tortious interference with contract, breach of warranty, and conversion of defendants their agents and servants, and the delivery by defendants in non-conforming condition, mis-delivered by defendants in non-conforming condition, mis-delivered and non-delivered.

NINTH: Plaintiff sues on its own behalf and as agents and trustees on behalf of any other party who may now have or hereinafter acquire an interest in this action.

TENTH: Plaintiff's damages are in excess of the commercial invoice value of the goods in the amount of FIVE HUNDRED FIFTY-FOUR THOUSAND ONE HUNDRED SIXTY-SIX DOLLARS AND 55 CENTS (\$554,166.55).

WHEREFORE, plaintiff demands judgment in an amount exceeding FIVE HUNDRED FIFTY-FOUR THOUSAND ONE HUNDRED SIXTY-SIX DOLLARS AND 55 CENTS (\$554,166.55), plus interest and costs, and prays the Court to issue its process against the aforesaid defendants and award to plaintiff such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 15, 2011

Respectfully submitted,

MAHONEY & KEANE LLP
Attorneys for Plaintiff

By: 

Edward A. Keane
11 Hanover Square, Tenth Floor
New York, New York 10005
(212) 385-1422

ATTORNEY VERIFICATION

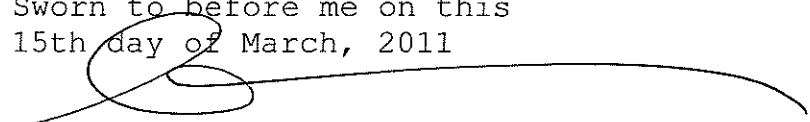
STATE OF NEW YORK :
: SS.:
COUNTY OF NEW YORK :

1. My name is Edward A. Keane.
2. I am over 18 years of age, of sound mind, capable of making this Verification and fully competent to testify to all matters stated herein.
3. I am the attorney for the Plaintiff, and I am fully authorized to make this Verification on its behalf.
4. I have read the foregoing Complaint and the contents thereof are true and accurate to the best of my knowledge, information and belief.
5. The reason that this Verification was made by me and not the Plaintiff is that the Plaintiff is a corporation none of the officers of which are present in this District.
6. The source of my knowledge is information and records furnished to me by the Plaintiff and its representatives, all of which I believe to be true and accurate.



Edward A. Keane

Sworn to before me on this
15th day of March, 2011


Notary Public S. WOLFSON
NOTARY PUBLIC
State of New York No. 02W08076941
Qualified in New York County
Term Expires 04-28-11